

REMARKS/ARGUMENTS

Claims 1- 5, 12 – 17, 21, 23, 24, 34, 35, 37 – 39, 43, 44, 46 – 48, 52, 53 and 55 – 57 again stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,585,951 to Noda et al in view of U.S. Patent 4,460,667 to Landa et al. Claims 6-11, 18-20 and 22 again stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,585,951 to Noda et al and U.S. Patent 4,460,667 to Landa et al in view U.S. Patent 5,128,788 to Takatoh et al. Claims 40, 41, 49, 50, 58 and 59 again stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,585,951 to Noda et al and U.S. Patent 4,460,667 to Landa et al in view U.S. Patent 5,051,800 to Shoji et al. Claims 36, 45, 54 and 60 again stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,585,951 to Noda et al in view of U.S. Patent 4,460,667 to Landa et al in view of U.S. Patent 5,359,441 to Mori et al. Claims 42 and 51 again stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,585,951 to Noda et al and of U.S. Patent 4,460,667 to Landa et al in view of U.S. Patent 5,229,644 to Wakai et al. All prior art rejections are respectfully traversed for at least the following reasons.

U.S. Patent 5,585,951 to Noda continues to form the basis of all prior art rejections in this parent reissue application. The Final Office Action alleges that Noda's planarization film 1784 is a photosensitive acrylic resin and that film 1784 is an insulating layer.

Like its predecessor, the Final Office Action properly concedes that Noda does not disclose that its planarization film 1784 has a dielectric constant of 3.4 to 3.8. *See*, the first full paragraph on page 4 of the Final Office Action. Yet (also like its predecessor) the Final Office Action insinuates that U.S. Patent 4,460,667 to Landa allegedly proves the "scientific fact" that "the acrylic resin used to make the insulator in Noda et al has a

dielectric constant property of 3.0 – 3.5. *See*, the second full paragraph *et seq* on page 4 of the Final Office Action.

Applicants point out that the technical field of Landa (USP 4,460,667) is different from Applicants' field. For this and other reasons Applicants submit that the combination of Noda (USP 5,585,951) and Landa is improper and thus that the rejection must be withdrawn.

In the above regard, as indicated by its very title Landa discloses "method for developing latent electrostatic images for gap transfer to a carrier sheet". Landa discloses on page 4, column 3, lines 48-50 that "[t]he dielectric constant of an acrylic resin, such as methyl methacrylate, lies between 3.0 and 3.5". However, this Landa description is specifically directed to characteristics of a material of "spacer particles" in the "carrier liquid". Such resin is entirely different from the resin used for an interlayer insulating layer in an electronic device of the type disclosed by Applicants. In view of such factors as utterly different fields of utilization, the person skilled in the art would not combine Landa with Noda. As such, Applicants feel that it is improper to combine these references and that the prior art rejection should be withdrawn.

Applicants also urge further consideration of their previous contentions. For example, Applicants believe that the office action is not justified in quoting Landa as a putative teaching that all acrylic resin necessarily has a dielectric constant between 3.0 and 3.5, and that it cannot be inferred from Landa that Noda's planarization film 1784 is in any particular dielectric constant range.

Applicants also again note that Noda's teaching regarding the planarization layers (11 and 1784) using acrylic resin is brief. For example, Noda only states that the planarization layers 11, 1784 are suitably selected from the specified organic materials

and inorganic materials. As to the organic materials, for example, an acrylic resin or a polyimide resin may be used. Throughout Noda's disclosure there does not appear to be any significant discussion or concern regarding the dielectric constant associated with the material. Accordingly, it is unreasonable to equalize the planarization layers 11, 1784 of Noda -- which are just *possibly* made of acrylic resin -- with the claimed insulting layer having a specific dielectric range.

Quite differently, Applicants' specification describes Applicants' material as, for example, comprised of a copolymer of methacrylic acid and glycidyl methacrylate as a base polymer mixed with a naphthoquinone diazide positive-type photosensitive agent, and the resin is subsequently treated by curing (paragraph [0150] of P1). After curing, in one embodiment Applicants' acrylic resin has a dielectric constant of about 3.4. In view, e.g., of Applicants' particular formulation and process, it is manifest that using any acrylic resin will not automatically result in a dielectric constant within the claimed range. Indeed Applicants' independent claims that require a dielectric constant range invoke a limitation beyond that of a general acrylic resin.

Applicants further suggest that any alleged dielectric property of Noda's planarization layers 11, 1784 is thrown into further doubt by the fact that Noda never specifically mentions that planarization layers 11, 1784 are insulators. Significantly, independent claims 43 and 52 require that the photo-imageable layer be an insulating layer. Noda makes no such mention. Although the office action tacitly alleges that the Noda passivation film is an insulator, Noda never makes this statement. Rather, it appears that Noda's insulation effect is accomplished by two other layers.

In the above regard, in the embodiment of the upper figure of Noda's patent cover page the insulation layers are layers 5 and 8¹; in the embodiment of the lower figure of Noda's patent cover page the insulation layers are layers 1778 and 1781. In particular, it is clear that in Noda Fig. 3 and Noda Fig. 17, both the planarization films 11, 1784, respectively, are formed on top of two insulating layers, namely the first insulating film 5, 1778 (respectively in Noda Fig. 3 and Noda Fig. 17) and the second insulating film 8, 1781 (respectively in Noda Fig. 3 and Noda Fig. 17).

Thus Noda clearly teaches insulating films that are separate from the planarization film 11, 1784. Therefore it is overreaching for the office action to allege that the planarization films 11, 1784 are an "insulating film".

The office action properly concedes that Noda does not disclose a spectral transmittance of the transparent interlayer organic insulating film having a lower transmittance for blue light than that for green and red light. *See*, again, the first full paragraph on page 4 of the office action. Yet somehow the office action seems to think that Applicants' own specification provides some basis for conjecturing that that the Noda planarization film, to which the office action improperly imputes a dielectric constant range of 3.0 to 3.5, also teaches a transparent interlayer organic insulating film having a spectral transmittance lower for blue light than for green and red light. Applicants fail to see how any statement in their own specification would serve as a basis to impart limitations such as those found in the last paragraphs of independent claims 1 and 14 to the Noda planarization film.

¹ The two insulating films 5 and 8 are formed from, for example a glass doped with phosphorous, and are totally different from the claimed interlayer insulating film.

In view of the foregoing, it is respectfully requested that all prior art rejections be withdrawn and the application be passed to issue.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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